HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6861 of 2007

Dated:30.08.2007

Between:

Kudupudi Satyanarayana.

…Petitioner.

and

District Collector and others.

…Respondents.

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6861 of 2007

ORDER:

The petitioner is a resident of Adurru Village of Mamidikuduru Mandal in East Godavari District. Statedly he is the owner of small extent of land in R.S.No.102/1 situated at Lutukurru Village. Respondents 4 to 7, who are also own lands in R.S.No.104/1, appear to have converted their agricultural land to a non-agricultural purpose, namely, prawn culture. Therefore, the petitioner filed instant Writ Petition for redressal of the grievance. His grievance is that if respondents 4 to 7 allowed to convert the agricultural land into prawn culture tanks illegally, the same would result in injury to his land.

The issue raised in this Writ Petition is squarely covered by a Division Bench judgment of this Court in **Madireddy Padma Rambabu v. District Forest Officer, Kakinada**[1]. In the said judgment, this Court laid down as under.

> A person who holds land for agricultural purpose may, therefore, subject to any reasonable restriction that may be made by the State may have the right to use water for irrigational purposes and for the said purpose he may also excavate a tank. But under no circumstances, he can be permitted to restrict flow of water to the neighbouring lands or discharge the effluents in such a manner so as to affect the

> right of his neighbour to use water for his own purposes. On the same analogy he does not have any right to contaminate the water to cause damages to the holders of the neighbouring agricultural fields. Large scale defoulment in the quality of water so as to make it unusable by others or as a result whereof the water is contaminated and becomes unpotable would be violative of Article 21 of the Constitution.

Having regard to the binding precedent, this Court ordered notice before admission and permitted the learned counsel for the petitioner to take out notice personally. After receiving notices, respondents 4 to 7 were represented by a Counsel, who appeared and took time twice for filing counter. Today, junior Counsel appears and submits that in spite of writing letters to their clients, they are not able to get instructions.

Therefore, this Writ Petition is also disposed of, following the judgment of the Division Bench in **Madireddy Padma Rambabu** (supra). The Mandal Revenue Officer is directed to issue notice to respondents 4 to 7 and take appropriate action in accordance with the law laid down by this Court in the above judgment. No costs.

(V.V.S.RAO, J)

30.08.2007
GJ

[1] 2002 (1) ALD 728 (DB)